

### REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

The specification is amended by the present response to correct minor informalities therein. The changes made to the specification are not believed to raise any issues of new matter.

Claims 1-44 are pending in this application. Claims 1-44 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. patent 5,671,412 to Christiano in view of U.S. patent 5,790,664 to Coley et al. (herein "Coley"). That rejection is traversed by the present response as discussed next.

First, applicant notes the outstanding rejection does not even clearly set forth which elements in the cited art are corresponded to the claim elements. For example the primary reference to Christiano discloses positive elements such as a license server 16, computer client 12, and database 19, but the outstanding rejection does not explicitly indicate which elements in Christiano are being correlated with which claim element. Applicant respectfully requests clarification of the rejection.

Further, applicant respectfully submits the outstanding rejection is misconstruing the disclosures in the cited art relative to the claimed features.

Independent claim 1 is directed to a license management apparatus that includes positive elements. Independent claims 12, 23, and 34 recite similar limitations as in independent claim 1 in the context of a license management method, a license management program, and a computer-readable recording medium storing a license management program.

According to the above-noted claims a license management device manages a license. With respect to that feature the outstanding rejections cites Christiano at column 3, lines 20-34, which disclosure in Christiano references a license server, and thus the outstanding Office

Action appears to correspond the license server 16 in Christiano to the claimed “license management” device.

Independent claim 1 also recites a license acquisition request receiving device for “receiving an acquisition request for the license *from said service offer means*” (emphasis added). With respect to that feature the outstanding Office Action cites Christiano at column 4, lines 35-46, which references a client computer system, and thus the outstanding Office Action appears to correspond the client computer 12 in Christiano to the claimed “license acquisition request receiving” device. Christiano in Figure 2 also discloses an internal license database 19 connected to the license server, and that database provides a service content, and in the claims the service offer device provides a service.

As noted above, in independent claims 1, 12, 23, and 34 a license acquisition request receiving device receives an acquisition request for a license from a service offer device (which provides a service). With reference to Figure 22 in the present specification as a non-limiting example, the service management service device 11 receives an acquisition request for a license from a service offer device 31 (see for example step S81 in Figure 22 again as a non-limiting example). That feature reflected in the above-noted claims is believed to clearly distinguish over the applied art.

With respect to the “license acquisition request receiving” device, the outstanding Office Action cites Christiano at column 4, lines 35-46 in which Christiano discloses that a client computer 12 sends a license request to the license server 16. That is, in Christiano the license request is sent from the client computer 12.

In contrast to that operation in Christiano, in the claims the license request is *sent from a service offer device*, which is *not* a client computer. The service offer device is a device that can provide a service, which is *not the operation of the client computer 12* in

Christiano. In fact, the client computer 12 in Christiano would correspond to the service use device recited in the above-noted claims, and not the service offer device.

Thereby, in Claim 1 the license acquisition request is sent not from a service use device, such as the client computer 12 in Christiano, but from a service offer device, perhaps corresponding to the internal database 19 in Christiano. Christiano does not disclose or suggest any direct exchange of a license request and a response between a service offer device and a license management device. That is, Christiano does not disclose or suggest any direct exchange of a license request and a response between the client computer 12 and the internal database 19.

In such ways, the outstanding rejection is misconstruing the teachings in Christiano relative to independent claims 1, 12, 23, and 34, and thus the rejection based on Christiano to those claims is improper.

The outstanding Office Action also recognizes that Christiano does not disclose the license sending device, and to cure that recognized deficiency in Christiano the outstanding Office Action cites Coley. However, Coley cannot even overcome that recognized deficiency in Christiano.

The outstanding Office Action cites Figure 2 of Coley to disclose sending a license to a service offer device in response to an acquisition request from the license. However, in reviewing Figure 2 of Coley, applicants note that disclosure does not even appear to disclose or suggest that a license is sent to a service offer device.

In view of these foregoing comments, applicant respectfully submits neither Christiano nor Coley disclose or suggest a license acquisition request being sent from a service offer device to a management apparatus, and a license being sent from a license management apparatus to the service offer device in response to the license acquisition

request. Thereby, each of independent claims 1, 12, 23, and 34, and the claims dependent therefrom, are believed to clearly distinguish over Christiano in view of Coley.

With respect to independent claims 9, 20, 31, and 42, those claims similarly distinguish over Christiano in view of Coley. Specifically, independent claim 9 is directed to a service offer apparatus that sends an acquisition request for a license associated with a service to a license management device, and which receives the license from the license management device. Independent claims 20, 31, and 42 recite similar features as in independent claim 9.

Again with reference to Figure 22 in the present specification as a non-limiting example, the service offer device 31 sends an acquisition request for a license associated with the service to the license managing device in the service management device 11, see for example step S81 again as a non-limiting example. The service offer device 31 also receives the license from the license management device, see as a non-limiting example step S82.

Neither Christiano nor Coley disclose or suggest such operations.

As discussed above in Christiano and Coley no acquisition request is sent from a service device that can provide a service to the license server 16. Again in Christiano at most the database 19 would correspond to the service offer device, and clearly the database 19 does not send an acquisition request for a license to the license server 16.

Thereby, independent claims 9, 20, 31, and 42, and the claims dependent therefrom, also distinguish over Christiano in view of Coley.

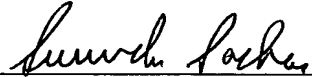
In view of the present response, applicant respectfully submits the claims as written distinguish over the applied art.

Application No. 10/706,092  
Reply to Office Action of November 2, 2006.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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